

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

JAMES EZELL, III,

Plaintiff,

V.

DAMON HININGER, et al,

Defendants.

CIV-19-302-JFH-SPS

ORDER STAYING PROCEEDINGS AND REQUIRING SPECIAL REPORT

The court has determined that an investigation and report would be helpful in determining whether there are any factual or legal bases for Plaintiff's claims. *See Hall v. Bellmon*, 935 F.2d 1106 (10th Cir. 1991); *Martinez v. Aaron*, 570 F.2d 317 (10th Cir. 1978).

ACCORDINGLY, IT IS HEREBY ORDERED that:

- (1) Officials responsible for the institution(s) involved in the alleged civil rights violation shall undertake a review of the subject matter of the complaint:
 - (a) to ascertain the facts and circumstances;
 - (b) to consider whether any action can and should be taken by the institution(s) or other appropriate officials to resolve the subject matter of the complaint; and
 - (c) to determine whether other like complaints, whether pending in this court or elsewhere, are related to this complaint and should be taken up and considered together.
- (2) In the conduct of the review, a written report shall be compiled and filed with

the court. Authorization is granted to interview all witnesses including Plaintiff and appropriate officers of the institution(s). Wherever appropriate, medical or psychiatric examinations shall be made and included in the written report. Any rules and regulations pertinent to the subject matter of the complaint shall be included in the written report.

- (3) All pending motions in this case are hereby stricken without prejudice. No applications, motions, or discovery should be filed or considered until the steps set forth in this Order have been completed, except as the court further orders.
- (4) It is desired that the report made in the course of this investigation be attached to and filed with Defendants' answer or dispositive motion. **The report and Defendants' answer or dispositive motion, shall be filed no later than sixty days from this date.**

IT IS SO ORDERED this 29th day of September, 2020.



STEVEN P. SHREDER
UNITED STATES MAGISTRATE JUDGE